

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LORI ANN YANCEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:04-CV-556
)	3:04-CV-610
MARTY CARSON, et al.,)	CONSOLIDATED
)	(VARLAN/SHIRLEY)
Defendants.)	

MEMORANDUM & ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the defendants' Objections to Excerpts of Video Deposition of Nicole Windle [Doc. 80], Objections to Plaintiff's Designation of Discovery Deposition Excerpts to be Read at Trial [Doc. 81], Plaintiffs' Motion in Limine Regarding Payments from Collateral Sources [Doc. 83], and Plaintiff's Motion in Limine Regarding Prior Out of Court Statements of Nicole Windle. [Doc. 87] On November 2, 2007, the parties came before the Court for a hearing on the instant objections and motions. Attorney David Wigler was present on behalf of the plaintiffs and attorney John Duffy was present on behalf of the defendants.

For the reasons set forth more fully during the hearing, the Court ruled as follows:

1. Defendants' Objections to Excerpts of Video Deposition of Nicole Windle Porter [Doc. 80] were **SUSTAINED in part and OVERRULED in part.**
2. Defendants' Objections to Plaintiff's Designation of Discovery Deposition Excerpts to be Read at Trial [Doc. 81] were

SUSTAINED in part and **OVERRULED in part**. Additionally, the parties indicated that Ryan Clark would be available at trial and that Joseph Babb may be available during trial, accordingly the Court found the objections to be **MOOT** as to Mr. Clark and Mr. Babb. Should Mr. Babb not appear at trial, defendants may renew their objections as to Mr. Babb at that time.

3. Plaintiffs' oral Objections to Penny Carpenter Rector were **SUSTAINED in part and OVERRULED in part**.

4. Plaintiffs' Motion in Limine Regarding Payments from Collateral Sources [Doc. 83] was **GRANTED**. Defendants shall be precluded from introducing any evidence at trial as to payments from any collateral sources made to the heirs or estate of John Yancey.

5. Plaintiffs' Motion in Limine Regarding Prior Out of Court Statements of Nicole Windle [Doc. 87] was **GRANTED in part and DENIED in part**. The Court found portions of the out of court statement to be admissible under Rule 806 of the Federal Rules of Evidence because the statements go toward the declarant's credibility.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge